

**Department of Personnel Administration  
Memorandum**

**TO: Personnel Management Liaisons (PML)**

<b>SUBJECT:</b> Decertification Election: Bargaining Unit 21	<b>REFERENCE NUMBER:</b> 2009-016
<b>DATE ISSUED:</b> 03/18/09	<b>SUPERSEDES:</b>

This memorandum should be forwarded to:

**Employee Relations Officers  
Personnel Officers**

**FROM:** Department of Personnel Administration  
Labor Relations Division

**CONTACT:** Randy Fisher, Labor Relations Officer  
(916) 324-0505  
Fax: (916) 322-0765  
Email: randyfisher@dpa.ca.gov

PERB has determined that there will be an election between the Association of Education Consultants and Librarians (AECL) and SEIU Local 1000 (Education Consultants and Library) to determine who will be the exclusive representative of Bargaining Unit 21. The decertification election ballots will be counted on April 30, 2009.

**Notices of Election**

DPA will mail copies of the PERB "Notice of Mailed Ballot Election" to all agencies and departments with employees in Bargaining Unit 21 no later than March 17, 2009. If you have a Unit 21 employee and do not receive a notice by March 19, 2009, contact DPA immediately. In accordance with PERB instructions, these notices are to be posted conspicuously on all employee bulletin boards in each facility with employees in Unit 21 classifications. (Unit 21 classifications are listed on the reverse of the notice.) The intent of this order is to provide the broadest distribution possible and ensure that all Unit 21 employees are aware of the decertification election. These notices are to be posted at all worksites **no later than March 23, 2009**, and are to remain posted through May 1, 2009. Each Department with Unit 21 employees is required to complete the attached Certification of Compliance upon completion of the postings. An electronic copy of the "Notice of Mailed Ballot Election" will be posted on the PERB website (at [www.perb.ca.gov](http://www.perb.ca.gov)) on March 23, 2009.

**Neutrality**

The law requires that the Unit 21 decertification election be conducted fairly, efficiently, and in full compliance with Public Employment Relations Board (PERB) instructions. All managers, supervisors, and other excluded employees are reminded that, as an employer, the State has no interest in the outcome of this election. The choice of an exclusive representative (or choosing "no representation") is a matter for represented employees of the bargaining unit to decide. Managers, supervisors and excluded employees are cautioned not to make any statements or otherwise express favoritism or bias regarding the outcome of the election.

The term "all managers, supervisors, and other excluded employees" includes employees who are serving in out-of-class assignments, training and development assignments or otherwise serving in an "acting" capacity as a manager, supervisor or excluded employee as well as any employee holding any type of appointment (i.e., permanent, limited term, temporary, probationary, etc.) to a managerial, supervisory, or other excluded classification. It would be an unfair labor practice for a representative of State management to indicate support or bias toward either SEIU Local 1000 or the Association of Education Consultants and Librarians (AECL).

### **Access and Election Materials**

During the election period, both SEIU and AECL are entitled to meaningful access to employees. This means that both organizations, with prior notice and permission, may visit the worksite and meet with employees **during non-work time** (e.g., breaks, meal periods, before and after work, etc.) and **in non-work areas** consistent with each department's access policies. Both SEIU and AECL may post materials at the worksites. Where a bulletin board exists for the exclusive use of SEIU, equivalent posting space must be made available to AECL upon request. Facility management shall identify *other existing bulletin boards* for this purpose. Any material mailed to individual employees at the work address is to be stamped and handled as any other first class mail to the employees would be handled. Departments are not to distribute bulk mailings from either organization.

Should you have any questions or comments, please refer them to Randy Fisher, Labor Relations Officer, at the telephone number listed above.

/s/Julie Chapman

Julie Chapman  
Deputy Director of Labor Relations